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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

In re GALENA BIOPHARMA, INC.
DERIVATIVE LITIGATION

This document relates to:
ALL ACTIONS

**Case No.: 3:14-cv-00382-SI
LEAD**

3:14-cv-00514-SI
3:14-cv-00516-SI
3:15-cv-01465-SI

MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

Kisuk Cho, Anthony Kim, Pantelis Lavidas, and Joseph Buscema (the “Securities Plaintiffs”), who are the lead plaintiffs in the securities class action *In re Galena Biopharma, Inc. Securities Litigation*, 3:14-cv-367-SI (D. Or.) (the “Securities Class Action”), respectfully request permission to file the attached *amicus curiae* brief in the above-captioned action in

response to Plaintiffs’ Unopposed Motion for Final Approval of Proposed Settlement, Award of Agreed-To Attorneys’ Fees and Reimbursement of Expenses and Incentive Awards (the “Derivative Approval Motion”), filed by Plaintiffs Jeffrey Klein, David Fuhs, Pratik Rathore, and Harold Spradling (the “Derivative Plaintiffs”). The [proposed] *amicus curiae* brief is attached as Exhibit 1 to this Motion.

Pursuant to Local Rule 7-1(a), the undersigned hereby certifies that a good faith effort was made to confer with counsel for Plaintiffs and Defendants, but the Securities Plaintiffs were not able to obtain the Parties’ position.

I. Legal Standard

Federal district courts possess the inherent authority to accept *amicus* briefs. *See, e.g., Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *abrogated on other grounds by Sandin v. Conner*, 515 U.S. 472 (1995); *accord Missouri v. Harris*, No. 2:14-CV-00341-KJM, 2014 WL 2987284, at *2 (E.D. Cal. July 1, 2014). The role of *amici* is to assist the court “in cases of general public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by insuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision.” *Newark Branch, N.A.A.C.P. v. Town of Harrison*, N.J., 940 F. 2d 792, 808 (3d Cir. 1991).

Federal district courts “welcome *amicus* briefs from non-parties [] if the *amicus* has unique information or perspective that can help the court.” *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (internal quotations omitted). Additionally, “[a]n *amicus* brief should normally be allowed when ... the *amicus* has an interest in some other case that may be affected by the decision in the present case.” *Cnty. Ass’n for Restoration of Env’t (CARE) v. DeRuyter Bros. Dairy*, 54 F. Supp. 2d 974, 975 (E.D. Wash.

1999). The Court should grant the Securities Plaintiffs' motion to appear as *amicus curiae* because such appearance would readily meet these standards.

II. Argument

The Securities Class Action and this Derivative Action seek relief arising from damages caused by the same fraudulent scheme allegedly committed by officers of Galena Biopharma, Inc. The Securities Class Action and this Derivative Action have reached settlements (respectively, the "Securities Settlement" and the "Derivative Settlement"). The Securities Settlement and the Derivative Settlement have several intertwined provisions. Accordingly, Amici have an interest in having the Court decide the Derivative Approval Motion on a full factual record. Amici believe that certain additional information, contained in the [proposed] *amicus curiae* brief, will assist the Court in deciding the Derivative Approval Motion.

Accordingly, the Securities Plaintiffs respectfully request that this Court grant their motion to file their proposed *amicus brief*.

Dated: April 7, 2016

Respectfully submitted,

**RANSOM, GILBERTSON, MARTIN &
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send a notice of electronic filing to all counsel of record who have consented to electronic notification. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to all non-CM/ECF participants.

DATED: April 7, 2016

/s/ Jeffrey Ratliff